

### **REMARKS**

This is a full and timely response to the Office Action mailed October 8, 2008, submitted concurrently with a Request for Continued Examination.

By this Amendment, claims 1, 8-10 and 12 have been amended to more particularly define the present invention. Thus, claims 1, 2, 5 and 8-12 remain currently pending in this application. Support for the claim amendments can be readily found variously throughout the specification and the original claims.

In view of these amendments, Applicant believes that all pending claims are in condition for allowance. Reexamination and reconsideration in light of the above amendments and the following remarks is respectfully requested.

### **Rejections under 35 U.S.C. §102 and §103**

Claims 1, 2, 5, 8 and 9 are rejected under 35 U.S.C. 102(a) and (e) as allegedly being anticipated by Kikumoto et al. (U.S. Patent Application Publication No. 2002/0068887). Further, claims 10-12 are rejected under 35 U.S.C. 102(a) and (e) as allegedly being anticipated by Kikumoto et al. or, in the alternative, under 35 U.S.C. 103(a) as allegedly being obvious over Kikumoto et al. in view of Cutler et al. (U.S. Patent No. 6,375,630).

To constitute anticipation of the claimed invention under U.S. practice, the prior art reference must literally or inherently teach each and every limitation of the claims. Further, to establish a *prima facie* case of obviousness, the cited reference(s) must teach or suggest the invention as a whole, including all the limitations of the claims. Here, in this case, none of the cited references, either alone or in combination, teach or suggest all of the limitations of the claims with particular emphasis on the limitations noted in the response filed July 28, 2008 and on the newly added limitations “*wherein said method utilizes an input unit configured to input the change in the massage parameter during the execution of the massage program, and said massage program being configured to acknowledge the change in the massage parameter made through the input unit during the execution of the massage program, modify the individual massage parameter reflecting the change, and store thus modified massage parameter in the memory*” (in claims 1, 8 and 9), “*an input unit configured to input a change in massage parameter during the execution of the massage*

*program” (in claims 10 and 12), and “configured to acknowledge the change in the message parameter made through the input unit during the execution of the message program, modify the individual message parameter reflecting the change, and store thus modified message parameter in the memory” (in claims 10 and 12).*

Applicant submits that independent claim 1 is not anticipated by Kikumoto et al. Kikumoto et al. discloses (1) “time (duration) and frequency of each message movement as a variable portion are adjusted according to the selected mode (relaxation mode or refreshment mode)” (see paragraph [0067] of Kikumoto et al.), (2) “FIGS. 10(a) and 10(b) show rules for adjusting the message time and the message speed in accordance with the psychological state in the relaxation mode and the refresh mode, respectively” (see paragraph [0068] of Kikumoto et al.), and (3) “a preliminary message operation is performed first to estimate the psychological state of the person to be massaged, and a full message operation is thereafter performed” (see paragraph [0012] of Kikumoto et al.).

In contrast, the present invention of claim 1 is configured such that the user can fully adjust or modify the individual message parameter of the message program stored in the memory, wherein the user adjustment or modification automatically results in the customized adjustment of time of other message parameters of the message program. Such claimed features are clearly distinguished from the rule-based system shown in FIGS. 10(a) and 10(b) of Kikumoto et al. In other words, the adjustment of time defined in the claimed invention is accomplished in such a manner that another message stage stored at a predetermined position in said memory table is deleted from said memory table, and the message parameter of said another message stage deleted from said memory table is changed such that said message program is completed within a predetermined time period.

In further support of the above differences, Kikumoto et al. teaches in paragraph [0067] that “[E]ach message movement is classified as a core portion of fixed duration or a variable portion with variable duration and frequency. The time (duration) and frequency of each message movement as a variable portion are adjusted according to the selected mode (relaxation mode or refreshment mode)”.

In contrast, the time adjustment according to the claimed invention does not require the classification of the fixed duration and the variable duration. In other words, the time adjustment in the present invention is not dependent on a “mode” selected by the user but rather the change to the individual message parameters of the message program. Thus, the time adjustment of the present invention clearly differs from that which is disclosed in Kikumoto et al. since it is not adjusted based on a rule of the mode selected by the user (see paragraphs [0068] and [0069] of Kikumoto et al.). Instead, the time adjustment of the present invention is uniquely adjusted via a user adjustment or modification to a specific message parameter.

To further emphasize these novel and unobvious features of the present invention, Applicant has more particularly amended the claims to specify that *"the user can fully adjust or modify the individual message parameters of the message program stored in the memory, wherein the user adjustment or modification automatically results in the customized adjustment of time of other message parameters of the message program"*. More specifically, claims 1, 8-10, and 12 have been amended to recite the combination of the following features:

1) *The input unit configured to input the change in message parameter during the execution of the message program;*

2) *Message program (or controller) is configured to acknowledge the change in the message parameter made through the input unit during the execution of the message program, modify the individual message parameter reflecting the change, and store thus modified message parameter in the memory.*

Applicant believes that the above limitations clearly establish that the user can fully adjust or modify the individual message parameters of the message program stored in the memory (while automatically resulting in the customized adjustment of time of other message parameters of the message program) such that the user can enjoy a modified message in the next or subsequent message stage of the message program. Thus, for the reasons discussed above regarding the teachings of Kikumoto et al., it is clear that these features of the present invention are not taught or suggested by Kikumoto et al. either alone or in combination with Cutler et al.

Further, Applicant also believes that independent claim 8 is neither anticipated nor obvious based on the teachings of Kikumoto et al. Claim 8 requires that *"the message stages having*

*at least one of the same range of massage action in the width direction and the same range of massage action in the height direction are modified in one lump according to the change in massage parameter stored in said memory at the next execution of said massage program".*

Applicant believes that Kikumoto et al. fails to teach or suggest the above noted limitation of making an overall modification at the next execution of the massage program with regard to the massage stages previously designated by the user.

Still further, Applicant also believes that independent claim 9 is neither anticipated nor obvious from the teachings of Kikumoto et al. Claim 9 discloses that "*an optimum block is determined from said blocks by comparing a previously prepared correlation between the range of massage action and body information including body weight and body height, with the body information of a user to be massaged*" and "*one of the plural combinations of the range of massage action in the width direction and the range of massage action in the height direction is determined in said optimum block to meet the user's preference*" (see FIG. 9 of the present drawings). This feature of claim 9 provides a specific and advantageous effect of preventing the user from selecting an undesired massage action.

In contrast, Kikumoto et al. fails to teach or suggest the above-noted limitations of providing an optimum block in consideration of the user's physical information, enabling the user to select one preferred massage range from within the optimum block.

Thus, for these reasons noted above, independent claims 1, 8 and 9 are allowable over the teachings and suggestions of the cited references.

Claims 2, 5 and 10-12, depend directly or indirectly from claim 1 and include all of the features of claim 1. Thus, Applicant submits that the dependent claims are allowable at least for the reasons claim 1 is allowable as well as for the features they recite.


Further, Applicant asserts that there are also reasons other than those set forth above why the pending claims are patentable. Applicants hereby reserve the right to submit those other reasons and to argue for the patentability of claims not explicitly addressed herein in future papers.

### CONCLUSION

For the foregoing reasons, all the claims now pending in the present application are believed to be clearly patentable over the outstanding rejections. Accordingly, favorable reconsideration of the claims in light of the above remarks is courteously solicited. If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

Dated: January 8, 2009

Respectfully submitted,

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